



CERTIFICATE OF MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231, on October 4, 2001.


Michele Liu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: October 4, 2001

Gregory GARDNER et al.

Serial No.: 09/742,848

Group Art Unit: 2166

Filed: December 20, 2000

Examiner: To Be Assigned

For: IMPLEMENTATION OF A SUPPLY-BASED MANAGEMENT
SYSTEM IN A NETWORK ENVIRONMENT

Office of Petitions
Assistant Commissioner for Patents
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DECLARATION UNDER 37 C.F.R. 1.47
PROOF OF INVENTOR REFUSAL TO SIGN

Sir:

1. I am Jinny Nguyen, and I have been employed at Sawyer Law Group as a Legal Assistant since July 18, 2001.
2. On August 22, 2001, I sent a copy of the present application, which includes the specification, claims, and drawings, along with unexecuted formal papers for the present application, to Bharti Agrawal by Federal Express package. I included a cover letter

requesting that Ms. Agrawal sign and date the Declaration and Assignment and return the executed documents as soon as possible. A self-addressed Federal Express envelope was enclosed.

3. On August 30, 2001, the documents sent to Ms. Agrawal was returned indicating an invalid address.

4. On or around August 31, 2001, I was informed by Grace Alicea, an Administrative Assistant employed at Sawyer Law Group, that she had telephoned Ms. Agrawal and confirmed her address to be 4319 Silva Avenue, Palo Alto, CA 94306. On the same day, I sent duplicate documents to Ms. Agrawal by Federal Express to the confirmed address of Ms. Agrawal.

5. On September 4, 2001, I sent a copy of the present application, which includes the specification, claims, and drawings, along with unexecuted formal papers for the present application, to Trung Dinh by Federal Express. I included a cover letter requesting that Mr. Dinh sign and date the Declaration and Assignment and return the executed documents as soon as possible. A self-addressed Federal Express envelope was enclosed. A copy of the cover letter, the Federal Express Airbill, and a proof of delivery from Federal Express is attached to the Declaration of M. Liu as Exhibit A.

6. On September 4, 2001, I sent a copy of the present application, which includes the specification, claims, and drawings, along with unexecuted formal papers for the present application, to Suresh Narayanaswamy by Federal Express. I included a cover letter requesting that Mr. Narayanaswamy sign and date the Declaration and Assignment and return the executed documents as soon as possible. A self-addressed Federal Express envelope was enclosed. A copy of the cover letter, the Federal Express Airbill, and a

proof of delivery from Federal Express is attached to the Declaration of M. Liu as Exhibit B.

7. On September 12, 2001, the documents sent to Ms. Agrawal was returned indicating an invalid address.

8. On September 12, 2001, I telephoned Ms. Agrawal concerning the return of the package and left a message on an answering machine.

9. On September 17, 2001, I was given a facsimile from Federal Express by Ms. Alicea confirming that the delivery of the documents sent to Ms. Agrawal was attempted three times. A copy of the cover letter accompanying the documents sent to Ms. Agrawal and the September 17, 2001 facsimile from Federal Express confirmed three attempted deliveries is attached to the Declaration of M. Liu as Exhibit C.

10. On September 13, 2001, I attempted to contact by telephone Mr. Narayanaswamy and Mr. Dinh. However, their phone numbers were invalid, and their current numbers were not listed.

11. As of October 3, 2001, I have not received from Mr. Narayanaswamy nor Mr. Dinh executed formal papers. I also have not received any other communications from Mr. Narayanaswamy nor Mr. Dinh.

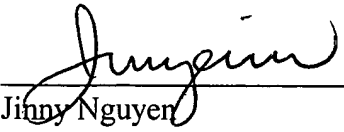
12. As of October 3, 2001, Ms. Agrawal has not returned executed formal papers or returned my telephone messages.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18

of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 4, 2001

Date


Jinny Nguyen